

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

Korman, Chief Judge:

I am in receipt of the June 1, 2007 Report and Recommendations of the International Organization for Migration (IOM) for the Supplemental List to the Eighth Group of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("Supplemental List to the Eighth IOM Legal Successor Report") which includes claims that were either approved for payment by the German Foundation and/or that satisfy target group requirements and that are recommended for approval by this Court in this group as indicated in the Supplemental List to the Eighth IOM Legal Successor Report. I approved the Eighth Report and Recommendations, including 162 eligible legal successors for 126 eligible deceased victims, by Order dated May 8, 2007. The Supplemental List to the Eighth IOM Report advises that in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about June 11, 2007 to begin to transfer payment to:

➤ 37 additional eligible legal successors for 25 eligible deceased victims

All of the 23 eligible deceased victims in Slave Labour Class I who are described in the Supplemental List to the Eighth IOM Legal Successor Report satisfy the eligibility criteria for Slave Labour Class I as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its

implementing orders. Each eligible deceased victim described in the Supplemental List to the Eighth IOM Legal Successor Report was a member of a target group and performed slave labour for the Nazi regime.

The two (2) eligible deceased victims in Slave Labour Class II who are described in the Supplemental List to the Eighth IOM Legal Successor Report satisfies the eligibility criteria for Slave Labour Class II as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. The two eligible deceased victims either were included in the Slave Labour Class II Name List or plausibly demonstrated that he/she had performed slave labour for the Nazi regime in a company listed in the Slave Labour Class II list of entities seeking release under the Swiss Banks Settlement.

All of the 37 legal successors described in the Supplemental List to the Eighth IOM Legal Successor Report satisfy the eligibility criteria for legal successors as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the criteria of the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. All legal successors in the Supplemental List to the Eighth IOM Legal Successor Group have proven that the deceased victims died later than 15 February 1999. All legal successors have also proven that they informed IOM of their right to legal succession within the required notice period, have provided proof of relationship to the respective deceased victims and are the closest heirs, in accordance with the eligibility succession specified under the German Foundation Act.

In the interest of privacy, the names and other identification information relating to all eligible deceased victims and their respective eligible legal successors included herein have been filed with the Court under seal in appendix ("Supplemental to HVAP LS List VIII") accompanying the Supplemental to the Eighth IOM Legal Successor Report.


Accordingly, in anticipation of the forthcoming distribution of awards as follows:

USD 1,450 for each of 23 Slave Labour Class I eligible victims deceased on or after 16 February 1999 whose claims have been submitted to this Court for approval of payment awards to be distributed to 34 eligible legal successors of those deceased eligible victims;

USD 1,450 for two (2) Slave Labour Class II eligible victim deceased on or after 16 February 1999 whose claim has been submitted to this Court for approval of payment awards to be distributed to three (3) eligible legal successor of this eligible deceased victim;

and

who comprise the supplemental list to the eighth group of legal successor payees ("Supplemental list to HVAP LS List VIII"), it is hereby



ORDERED that the signatories to the Settlement Fund are hereby directed to transfer USD 14,500 from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to pay the 12 eligible legal successors on behalf of ten deceased eligible victims whose claims are listed in HVAP LS List VIISa appended to the Supplemental List to the Eighth IOM Legal Successor Report, and are hereby considered as approved for payment;

and

ORDERED that IOM pay the 25 eligible legal successors on behalf of 15 deceased eligible victims whose claims are listed in HVAP LS List VIIB appended to the Supplemental List to the Eighth IOM Legal Successor Report, and that were already approved in previous HVAP Payment Groups, a total of USD 21,750, already transferred from the Settlement Fund to the IOM-HVAP Citibank Geneva

Account to meet the projected distribution, as described in the Supplemental List to the Eighth IOM Legal Successors Report.

SO ORDERED.

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
June 13, 2007